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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,238	06/16/2006	Albrecht Hofmann	3477	8264

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

12/17/2009

EXAMINER

KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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12/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,238	HOFMANN ET AL.	
	Examiner	Art Unit	
	LISA KLAUS	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 9 is/are rejected.
- 7) ☒ Claim(s) 2,4,5-8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the reference numerals "58" (page 4, line 24), "158" (line 26), "258" (page 8, line 20), "118" (page 6, line 15) and "222" (page 9, line 21).

A - It is suggested that applicant provide more drawings to show more structures and different positions of the power tool to support statements such as: "Power supply unit cannot be reinsertedthe on position into the off position" as described on page 5, lines 20-22; "Indentation 144 and spring element form.....are locked in the on position" as described on page 6, lines 25-28; and "spring element 224 configuredlatch behind it" as described on page 9, lines 20-23.

B - Further, the drawings must show every feature of the invention specified in the claims. Therefore, "a decoupling device" (claim 1) must be shown or the feature canceled from the claims. No new matter should be entered.

C - Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

- Page 1, line 3 is improper and should be removed or rephrased because it references a specific claim.

- The abstract of the disclosure is objected to because "Figure 1" on line 7 should be deleted. Also, the abstract should not be two paragraphs.

- The reference character "114" has been used to designate both "switch" (page 6, line 15) and "indentation" (page 6, line 23).

Appropriate corrections are required.

Claim Objections

3. Claims 9 and 10 are objected to.

- Regarding claim 9, "the neck" and "the actuating device" lack antecedent basis.

- Regarding claim 10, "the spring element" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

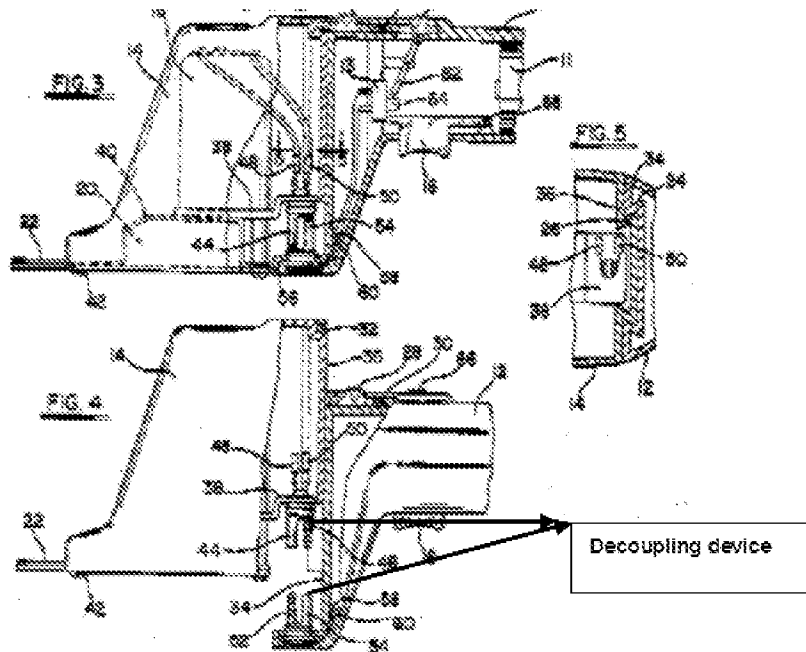
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Owings et al.

(US 3,952,239), figure 1.

Owings discloses a modular cordless tool comprising:

- a power supply unit 11 that can be removed on the device side for supplying electrical power, with at least one indirectly actuatable switch for switching a drive machine on and off, wherein a decoupling device (see figure below) decouple the switch 64 and a switching means 16 that actuates the switch 64 (from the rest of the unit 14).



Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owings et al. (US 3,952,239), figure 1 in view of Lockard (US 4,737,118).

- Owings does not disclose the decoupling device including a spring element.

Lockard discloses a similar flat cable connector comprising a decoupling device including a spring element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the spring as taught by Lockard for the purpose of maintaining the coupling in place in the device of Lockard.

Allowable Subject Matter

6. Claims 2, 3 and 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the power tool with a power supply unit comprising:

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- Claim 2: the decoupling device is provided for forcibly turning off the switch when the power supply unit is removed and then the switch is locked in an "on" position in which the switch is switched on during normal operation.

- Claim 3: the blocking means is provided for blocking attachment of the power supply unit when the switching means are in the "on" position and the switch is turned off.

- Claim 5: the actuating device is located between the switching means and the switch, which includes at least a portion of the decoupling device.

Claims 9 and 10 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In regard to claim 9 the prior art fails to show or teach the claimed arrangement, including a neck having a projection that is operatively connected with an actuating device.

Conclusion

7. Any inquiry concerning this communication should be directed to Lisa Klaus whose telephone number is (571) 272-1993.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2833

December 4, 2009

/renee luebke/

Renee Luebke
Supervisory Patent Examiner
AU 2833